

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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JMH 301 DOE  
[REDACTED]

Buffalo, New York 14218

Plaintiff,

vs.

NORBERT F. ORSOLITS  
11540 Bolton Road  
Springville, New York 14141

ST. JOHN THE EVANGELIST ROMAN  
CATHOLIC CHURCH OF BUFFALO, N.Y.  
2319 Seneca Street  
Buffalo, New York 14210

ST. TERESA ROMAN CATHOLIC CHURCH  
OF BUFFALO, N.Y.  
1974 Seneca Street  
Buffalo, New York 14210

Defendants.

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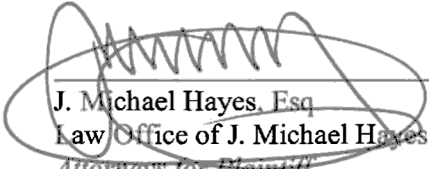
TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED, to answer the complaint in this action, and to serve a copy of your answer, or, if the summons is not served with a complaint, to serve a notice of appearance, on the Plaintiff's attorney within twenty (20) days after service of this summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Erie County is designated as the place of trial on the basis of the residence of the Plaintiff who resides in Erie County, New York.

DATED: BUFFALO, NEW YORK  
October 25, 2019

Yours Respectfully,

  
J. Michael Hayes, Esq.  
Law Office of J. Michael Hayes  
*Attorneys for Plaintiff*

Office and P.O. Address:  
69 Delaware Avenue, Suite 1111  
Buffalo, New York 14202  
Telephone: (716) 852-1111

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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JMH 301 DOE,

Plaintiff,

vs.

NORBERT F. ORSOLITS,  
ST. JOHN THE EVANGELIST ROMAN  
CATHOLIC CHURCH OF BUFFALO, N.Y., and  
ST. TERESA ROMAN CATHOLIC CHURCH  
OF BUFFALO, N.Y.,

Defendants.

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**COMPLAINT  
JURY TRIAL  
DEMANDED**

Index No.:

Plaintiff, JMH 301 DOE, by his attorney, J. MICHAEL HAYES, ESQ. for his complaint against the Defendants, NORBERT F. ORSOLITS, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., and ST. TERESA ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., herein alleges:

**PARTIES**

1. Presently and at all times herein mentioned, Plaintiff, JMH 301 DOE, is a resident of the County of Erie and State of New York.

2. Upon information and belief, at all times herein mentioned, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., is and/or was a domestic religious corporation authorized and existing by virtue of Article 5 of the Religious Corporation Law of the State of New York with offices for the transaction of business located in the County of Erie and State of New York.

3. Upon information and belief, presently and at all times herein mentioned, Defendant, ST. TERESA ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., is and/or was a

domestic religious corporation authorized and existing by virtue of Article 5 of the Religious Corporation Law of the State of New York with offices for the transaction of business located in the County of Erie and State of New York.

4. Upon information and belief, Defendant, NORBERT F. ORSOLITS, is a resident of the County of Cattaraugus and State of New York.

5. Upon information and belief, Defendant, NORBERT F. ORSOLITS, is seventy-nine (79) years old, and therefore over the seventy (70) age threshold for trial preference pursuant to CPLR 3403(a)(4).

6. Plaintiff further asserts trial preference pursuant to CPLR 3403(a)(7), as added by Section 4 of the Child Victims Act.

#### **JURISDICTION**

7. This Court has jurisdiction pursuant to CPLR 301 as Defendant's principal place of business is in Erie County, New York.

8. Venue is proper pursuant to CPLR 503 as Plaintiff's residence is in Erie County. Additionally, Defendant's principal places of business are in Erie County.

#### **FACTS COMMON TO ALL CLAIMS**

9. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., owned St. John the Evangelist Roman Catholic Church ("St. John the Evangelist Church"), located at 2319 Seneca Street, Buffalo, New York 14210.

10. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, servants, representatives and/or

employees, managed, operated and/or controlled St. John the Evangelist Church, including, *inter alia*, the hiring of employees, employee supervision and employee assignments.

11. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., closed St. John the Evangelist Church in or about 2009.

12. Upon information and belief, Defendant, ST. TERESA ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., was and continues to be an organization authorized to conduct business and conducting business in the State of New York, with its principal place of business at 1974 Seneca Street, Buffalo, New York 14210.

13. Upon information and belief, St. John the Evangelist Church was absorbed into Defendant, ST. TERESA ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., in a *de facto* merger or series of *de facto* mergers.

14. Upon information and belief, Defendant, ST. TERESA ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., assumed the liabilities of Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., ordinarily necessary for the uninterrupted continuation of operations and business with a continuity of management, personnel, physical location and general business operation.

15. In all instances hereinafter mentioned, Plaintiff contemporaneously refers to Defendant, ST. TERESA ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., when referring to Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y.

16. Upon information and belief, at all times herein mentioned, Reverend William F. J. White ("Reverend White") was a Roman Catholic priest and an officer, agent, representative,

servant and/or employee of Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y.

17. Upon information and belief, at all times herein mentioned, Reverend White under the direction, supervision and/or control of Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees.

18. Upon information and belief, at all times herein mentioned, Reverend White was acting within the scope of his agency, servitude and/or employment with Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees.

19. Upon information and belief, Reverend White was a serial pedophile.

20. Upon information and belief, Reverend White died in or around 2016.

21. Upon information and belief, at all times herein mentioned, Defendant, Reverend NORBERT F. ORSOLITS was a Roman Catholic priest and an officer, agent, representative, servant and/or employee of Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y.

22. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS under the direction, supervision and/or control of Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y.

23. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS was acting within the scope of his agency, servitude and/or employment with Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y.

24. Upon information and belief, Reverend NORBERT F. ORSOLITS was and is a serial pedophile.

25. Upon information and belief, at all times herein mentioned, Reverend White was working at and/or for St. John the Evangelist Church in or around the mid- and late-1960s.

26. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS was working at and/or for St. John the Evangelist Church in or around the mid- and late-1960s.

27. Plaintiff, JMH 301 DOE, was under eighteen (18) years of age at all relevant times mentioned herein.

28. On or about June 14 and 15, 1967, and for the following two years, Plaintiff was a parishioner at St. John the Evangelist Church, a church within and under the auspices of Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y.

29. Upon information and belief, Reverend White was put into direct contact with infant Plaintiff through his positions at, within, or for the Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees.

30. Upon information and belief, Reverend NORBERT F. ORSOLITS was put into direct contact with infant Plaintiff through his positions at, within, or for the Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees.

31. Upon information and belief, Defendant, by and through Reverend White, provided Plaintiff, JMH 301 DOE, with financial support, including the purchase of a vehicle and college tuition, arranged through the assistance and contributions of a private individual.

32. Upon information and belief, Defendant, by and through Reverend NORBERT F. ORSOLITS, provided Plaintiff, JMH 301 DOE, with financial support, including the purchase of a vehicle and college tuition, arranged through the assistance and contributions of a private individual.

33. Upon information and belief, the Defendant, by and through Reverend White, did provide Plaintiff with financial support for the purposes lowering his resistances to sexual molestation and in an attempt to keep Plaintiff from disclosing the Reverend's inappropriate sexual contact with him.

34. Upon information and belief, the Defendant, by and through Reverend NORBERT F. ORSOLITS, did provide Plaintiff with financial support for the purposes lowering his resistances to sexual molestation and in an attempt to keep Plaintiff from disclosing the Reverend's inappropriate sexual contact with him.

35. Upon information and belief, the Defendant, by and through Reverend White, did provide Plaintiff, JMH 301 DOE, with multiple drugs for the purposes of incapacitating him and lowering his resistances to sexual molestation.

36. Upon information and belief, the Defendant, by and through Reverend NORBERT F. ORSOLITS, did provide Plaintiff, JMH 301 DOE, with multiple drugs for the purposes of incapacitating him and lowering his resistances to sexual molestation.

37. Upon information and belief, it was under such circumstances that infant Plaintiff, JMH 301 DOE, came to be under the direction and control of Reverend White, who used his position of authority and trust over Plaintiff to sexually abuse, harass and molest him.

38. Upon information and belief, it was under such circumstances that infant Plaintiff, JMH 301 DOE, came to be under the direction and control of Reverend NORBERT F. ORSOLITS,

who used his position of authority and trust over Plaintiff to sexually abuse, harass and molest him.

39. Upon information and belief, on or about June 14 and 15, 1967, Reverend White, while acting as a priest, counselor, officer, employee, agent, servant and/or volunteer of the Defendant, did sexually assault, abuse and/or had sexual contact with infant Plaintiff.

40. Upon information and belief, on or about June 14 and 15, 1967, Reverend NORBERT F. ORSOLITS, while acting as a priest, counselor, officer, employee, agent, servant and/or volunteer of the Defendant, did sexually assault, abuse and/or had sexual contact with infant Plaintiff.

41. Upon information and belief, Reverend White, while acting as a priest, counselor, officer, employee, agent, servant and/or volunteer of the Defendant, continued to sexually assault, abuse and/or have sexual contact with infant Plaintiff over the course of the next two years.

42. Upon information and belief, Reverend NORBERT F. ORSOLITS, while acting as a priest, counselor, officer, employee, agent, servant and/or volunteer of the Defendant, continued to sexually assault, abuse and/or have sexual contact with infant Plaintiff over the course of the next two years.

43. Reverend White did have bodily contact and touching of the infant Plaintiff, JMH 301 DOE, including committing oral and anal intercourse on Plaintiff.

44. Reverend NORBERT F. ORSOLITS did have bodily contact and touching of the infant Plaintiff, JMH 301 DOE, including committing oral and anal intercourse on Plaintiff.

45. Upon information and belief, Reverend White's contact with Plaintiff, JMH 301 DOE, was extreme, outrageous, subjectively offensive to Plaintiff and objectively offensive to a reasonable person in the same or similar situation.

46. Upon information and belief, Reverend NORBERT F. ORSOLITS' contact with Plaintiff, JMH 301 DOE, was extreme, outrageous, subjectively offensive to Plaintiff and objectively offensive to a reasonable person in the same or similar situation

47. Upon information and belief, Reverend White intended to make such physical and sexual contact without the consent of infant Plaintiff, JMH 301 DOE, and did make such contact without infant Plaintiff's consent.

48. Upon information and belief, Reverend NORBERT F. ORSOLITS intended to make such physical and sexual contact without the consent of infant Plaintiff, JMH 301 DOE, and did make such contact without infant Plaintiff's consent.

49. Plaintiff, JMH 301 DOE, was unable to give consent to engage in Reverend White's sexual conduct with Plaintiff, as Plaintiff was a minor at all relevant times.

50. Plaintiff, JMH 301 DOE, was unable to give consent to engage in Reverend NORBERT F. ORSOLITS' sexual conduct with Plaintiff, as Plaintiff was a minor at all relevant times.

51. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, counselors, servants and/or employees, knew, reasonably should have known, knowingly condoned and/or covered up, the inappropriate and unlawful sexual activities of Reverend White and his proclivities toward molestation and sexual assault of young children.

52. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, counselors, servants and/or employees, knew,

reasonably should have known, knowingly condoned and/or covered up, the inappropriate and unlawful sexual activities of Reverend NORBERT F. ORSOLITS and his proclivities toward molestation and sexual assault of young children.

53. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, had the duty and responsibility to monitor, supervise, direct and/or control priests serving at St. John the Evangelist Church.

54. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, had a duty not to aid pedophiles, by assigning, maintaining and/or appointing them to positions with access to minors.

55. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, counselors, servants and/or employees, violated its duty to the public generally and minors specifically, including infant Plaintiff, JMH 301 DOE, by knowingly exposing them to sexual predators.

56. Upon information and belief, the actions, behavior, and sexual predation of Reverends White and NORBERT F. ORSOLITS continued and were further concealed by Defendant for a period of at least ten years.

57. As a result of the foregoing, Plaintiff JMH 301 DOE sustained severe and serious personal, physical, and psychological injuries, which have haunted and impacted him over the entire course of his life.

58. Upon information and belief, Defendant individually, jointly and/or severally, violated various New York statutes in effect at all relevant times mentioned herein including, but

not limited to, N.Y. Soc. Serv. Law §§ 413 and 420, which require school officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

59. Plaintiff, JMH 301 DOE, suffered severe personal physical and psychological injuries and damages as a result of the actions of Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., as well as other damages related thereto, as a result of his childhood sexual abuse consistent with offenses as defined by Article 130 of the Penal Law.

60. Plaintiff asserts his revival action pursuant to the New York State Child Victims Act, CPLR 214-g.

61. The limitation of liability set forth in CPLR Article 16 is not applicable to the claims of personal injury alleged herein, by reason of one or more of the exemptions provided in CPLR 1602.

62. Plaintiff, JMH 301 DOE, demands a jury trial for all claims.

**AS AND FOR A FIRST CAUSE OF ACTION**

63. Plaintiff repeats and realleges those allegations set forth in Paragraphs “1” through “62” of the Complaint with the same force and effect as fully set forth herein at length.

64. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, knew and/or reasonably should have known, that Reverend White posed a threat of sexual abuse to children.

65. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or

employees, knew and/or reasonably should have known, that Reverend NORBERT F. ORSOLITS posed a threat of sexual abuse to children.

66. Upon information and belief, at all times herein mentioned and prior thereto, Reverend White has been accused of sexual abuse of young children by other individuals. *See, e.g., Tatu v. Orsolits, et al.*, Erie County Supreme Court, Index No. 812303/2019; *Haslam v. The Diocese of Buffalo*, Erie County Supreme Court, Index No. 810201/2019.

67. Upon information and belief, at all times herein mentioned and prior thereto, Reverend NORBERT F. ORSOLITS has been accused of sexual abuse of young children by other individuals. *See, e.g., Tatu v. Orsolits, et al.*, Erie County Supreme Court, Index No. 812303/2019; *JMH 100 Doe v. Diocese of Buffalo*, Erie County Supreme Court, Index No. 811421/2019; *JMH 101 Doe v. Orsolits, et al.*, Erie County Supreme Court, Index No. 811430/2019.

68. Upon information and belief, in a 2018 interview with *The Buffalo News*, NORBERT F. ORSOLITS admitted to sexually abusing dozens of teenage boys in the 1970s and 1980s.

69. Upon information and belief, Reverend White's abuses began as early as 1962.

70. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, knew or should have known Reverend White molested or abused at least 10 boys between 1962 and 1994.

71. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, knew of, should have known or had reason to know of Reverend White's abusive behavior prior to his sexual exploitation of Plaintiff.

72. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, knew of, should have known or had reason to know of Reverend NORBERT F. ORSOLITS' abusive behavior prior to his sexual exploitation of Plaintiff.

73. Upon information and belief, instead of reporting the incidents of sexual misconduct both prior and subsequent to Plaintiff's molestation, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, reassigned Reverends White and NORBERT F. ORSOLITS to different communities because of their misconduct with parishioners and infant boys.

74. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, counselors, servants and/or employees, failed to report Reverend White's or Reverend NORBERT F. ORSOLITS' sexual abuse(s) to civil and criminal authorities.

75. Upon information and belief, Reverend White was sent for "counseling and treatment" at an out-of-state facility.

76. Upon information and belief, Reverend NORBERT F. ORSOLITS was sent for "counseling and treatment" at an out-of-state facility.

77. Upon information and belief, some Catholic priests sent to "counseling and treatment" facilities were sent for "reconditioning" and to "reform" their behavior based on past sexual misconduct with minors, such as with Plaintiff, JMH 301 DOE.

78. Upon information and belief, predatory clergy were sent to the aforementioned out-of-state "counseling and treatment" facilities as a device employed by the Diocese of Buffalo, its

Bishop(s), officers, agents, representatives, servants and/or employees, to literally both cover up clergy abuses of child victims and avoid civil or criminal review and sanctions.

79. Upon information and belief, Reverend White was suspended in 1993 after the mother of two victims confronted the Defendant with audio recordings of Reverend White with her children.

80. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, did not meet its obligation and responsibility to protect Plaintiff and other infant parishioners prior to Reverend White's contact with Plaintiff, JMH 301 DOE.

81. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, did not meet its obligation and responsibility to protect Plaintiff and other infant parishioners prior to Reverend NORBERT F. ORSOLITS' contact with Plaintiff, JMH 301 DOE.

82. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, counselors, servants and/or employees, knowingly, willfully and intentionally concealed the conduct of Reverend White and other chronic pedophile priests and protected them from prosecution while simultaneously exposing Reverend White and other sexual predators to infants, including Plaintiff, JMH 301 DOE.

83. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, counselors, servants and/or employees, knowingly, willfully and intentionally concealed the conduct of Reverend NORBERT F. ORSOLITS and other chronic pedophile priests and protected them from

prosecution while simultaneously exposing Reverend White and other sexual predators to infants, including Plaintiff, JMH 301 DOE.

84. Upon information and belief, the knowledge of Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, of Reverend White's abuses and subsequent continued employment of him allowed Reverend White to continue his crimes and victimization of minors, including the ones perpetrated against Plaintiff, JMH 301 DOE.

85. Upon information and belief, the knowledge of Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, of Reverend NORBERT F. ORSOLITS' abuses and subsequent continued employment of him allowed Reverend NORBERT F. ORSOLITS to continue his crimes and victimization of minors, including the ones perpetrated against Plaintiff, JMH 301 DOE.

86. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, servants, representatives and/or employees, kept files of priests whom they knew or should have known to have engaged in pedophilia in a secret records depository hidden and unacknowledged from outsiders, including other employees of Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., as well as parishioners, civil authorities and criminal authorities.

87. Upon information and belief, the Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, did knowing and intentionally conspire to conceal and cover up

Reverend White, Reverend NORBERT F. ORSOLITS and other priests' criminal predatory abuses.

88. Upon information and belief, a former secretary of Bishop Richard Malone, acting as a whistleblower, publicly disclosed personnel files and other documentation detailing predatory behaviors and sex abuse by clergy.

89. Upon information and belief, the Diocese of Buffalo, through its Bishop, had previously only acknowledged accusations against forty-two (42) clergy; the whistleblower's documentation revealed that a truer number of known Diocesan priests accused of abuse as of 2017 was at least two-hundred two (202).

90. Upon information and belief, Reverend White is one of the priests that the Diocese of Buffalo has known and acknowledged as having engaged in wrongful contact and sexual abuse of minors.

91. Upon information and belief, Reverend NORBERT F. ORSOLITS is one of the priests that the Diocese of Buffalo has known and acknowledged as having engaged in wrongful contact and sexual abuse of minors.

92. Upon information and belief, the aforementioned actions of Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, servants, representatives and/or employees, as aforesaid were extreme, willful, wanton, malicious, reckless and/or outrageous in their disregard for the rights and safety of Plaintiff, JMH 301 DOE.

93. As a result of the foregoing, including the aforementioned negligence, gross negligence, the knowing and intentional retention of known pedophile priests, the intentional concealment of abuses, and the intentional and knowing transfer of priests because of sexual assaults previously committed, Plaintiff, JMH 301 DOE, sustained severe and serious personal

physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

**AS AND FOR A SECOND CAUSE OF ACTION**

94. Plaintiff repeats and realleges those allegations set forth in Paragraphs “1” through “93” of the Complaint with the same force and effect as fully set forth herein at length.

95. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, negligently hired, retained, directed, and/or supervised Reverend White when they knew or should have known that he posed a threat of sexual abuse to children.

96. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, negligently hired, retained, directed, and/or supervised Reverend NORBERT F. ORSOLITS when they knew or should have known that he posed a threat of sexual abuse to children.

97. Upon information and belief, the sexual abuse of children by adults in the school, counseling and/or church environments, including extracurricular activities, is and was foreseeable.

98. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, entered into an express and/or implied duty and/or contract to provide a reasonably safe environment for Plaintiff, JMH 301 DOE.

99. Upon information and belief, at all times herein mentioned, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, assumed the duty to protect and care for Plaintiff, JMH 301 DOE, by establishing, staffing, and/or operating a church, encouraging the participation of Plaintiff, and holding out the church as a safe environment for learning and engaging in youth activities.

100. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, caused, permitted and facilitated Reverend White's continued access to children, including Plaintiff, JMH 301 DOE, knowing that Reverend White was a child abuser and permitting him to continue his molestation practices for many years both before and after the events alleged herein.

101. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, caused, permitted and facilitated Reverend NORBERT F. ORSOLITS' continued access to children, including Plaintiff, JMH 301 DOE, knowing that Reverend NORBERT F. ORSOLITS was a child abuser and permitting him to continue his molestation practices for many years both before and after the events alleged herein.

102. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, knew of Reverend White's activities and proclivities toward child abuse, covered up

his molestations and criminal behaviors, did not provide a safe environment for minor children in their purview, and failed to mitigate or remedy harms done by Reverend White.

103. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, knew of Reverend NORBERT F. ORSOLITS' activities and proclivities toward child abuse, covered up his molestations and criminal behaviors, did not provide a safe environment for minor children in their purview, and failed to mitigate or remedy harms done by Reverend NORBERT F. ORSOLITS.

104. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, knew and/or should have known that Reverend White and other employees targeted and "shared" infants for child sexual abuse, failed to stop or report these crimes and abuses, and withheld information of same from both criminal and civil authorities as well as the victims' families.

105. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, knew and/or should have known that Reverend NORBERT F. ORSOLITS and other employees targeted and "shared" infants for child sexual abuse, failed to stop or report these crimes and abuses, and withheld information of same from both criminal and civil authorities as well as the victims' families.

106. Upon information and belief, Plaintiff, JMH 301 DOE, has incurred medical expenses for his own care and treatments over the course of his lifetime for harm caused and/or

contributed to by the sexual assault perpetrated upon him by Defendant through its officer, agent, representative, servant and/or employee, Reverend White.

107. Upon information and belief, Plaintiff, JMH 301 DOE, has incurred medical expenses for his own care and treatments over the course of his lifetime for harm caused and/or contributed to by the sexual assault perpetrated upon him by Defendant through its officer, agent, representative, servant and/or employee, Reverend NORBERT F. ORSOLITS.

108. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, were put on notice of Reverend White's improper and inappropriate actions with other minor children, and knew or should have known of Reverend White's tendencies and prevented his abuses of Plaintiff, JMH 301 DOE.

109. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, were put on notice of Reverend NORBERT F. ORSOLITS' improper and inappropriate actions with other minor children, and knew or should have known of Reverend NORBERT F. ORSOLITS' tendencies and prevented his abuses of Plaintiff, JMH 301 DOE.

110. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, owed a duty of care to all persons, including Plaintiff, who were likely to come within the influence and contact of Reverend White in his role in Defendant's employ and to ensure that Reverend White did not abuse his authority while under Defendant's employ.

111. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or

employees, owed a duty of care to all persons, including Plaintiff, who were likely to come within the influence and contact of Reverend NORBERT F. ORSOLITS in his role in Defendant's employ and to ensure that Reverend NORBERT F. ORSOLITS did not abuse his authority while under Defendant's employ.

112. As a result of the foregoing, Plaintiff, JMH 301 DOE, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

**AS AND FOR A THIRD CAUSE OF ACTION**

113. Plaintiff repeats and realleges those allegations set forth in Paragraphs "1" through "112" of the Complaint with the same force and effect as fully set forth herein at length.

114. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, knew or reasonably should have known that the failure to properly monitor, control, direct, advise and supervise Reverend White, who sexually abused Plaintiff, JMH 301 DOE, would and did proximately result in physical and severe emotional distress to Plaintiff, JMH 301 DOE.

115. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees, knew or reasonably should have known that the failure to properly monitor, control, direct, advise and supervise Reverend NORBERT F. ORSOLITS, who sexually abused Plaintiff, JMH 301 DOE, would and did proximately result in physical and severe emotional distress to Plaintiff, JMH 301 DOE.

116. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, representatives, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct against Plaintiff, JMH 301 DOE, would and did proximately result in physical and severe emotional distress to Plaintiff, JMH 301 DOE.

117. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, servants, representatives and/or employees, had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff, JMH 301 DOE, being sexually abused by Reverend White.

118. Upon information and belief, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, servants, representatives and/or employees, had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff, JMH 301 DOE, being sexually abused by Reverend NORBERT F. ORSOLITS.

119. Upon information and belief, despite said knowledge, power and duty, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, servants, representatives and/or employees, failed to act so as to stop, prevent and prohibit the improper conduct that resulted in Reverend White sexually abusing Plaintiff, JMH 301 DOE.

120. Upon information and belief, despite said knowledge, power and duty, Defendant, ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH OF BUFFALO, N.Y., its officers, agents, servants, representatives and/or employees, failed to act so as to stop, prevent and

prohibit the improper conduct that resulted in Reverend NORBERT F. ORSOLITS sexually abusing Plaintiff, JMH 301 DOE.

121. As a result of the foregoing, Plaintiff, JMH 301 DOE, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

**AS AND FOR A FOURTH CAUSE OF ACTION**

122. Plaintiff repeats and realleges those allegations set forth in Paragraphs “1” through “121” of the Complaint with the same force and effect as fully set forth herein at length.

123. Upon information and belief, Defendant, NORBERT F. ORSOLITS, did willfully, knowingly and/or intentionally engage in sexual contact with then-infant Plaintiff, JMH 301 DOE, during the mid- to late-1960s.

124. Plaintiff, JMH 301 DOE, did not consent to the aforementioned contact of Defendant, NORBERT F. ORSOLITS.

125. Plaintiff, JMH 301 DOE, could not consent to sexual contact of any kind made by Defendant, NORBERT F. ORSOLITS, because Plaintiff was a minor at all relevant times.

126. The actions of Defendant, NORBERT F. ORSOLITS, caused offensive bodily contact with Plaintiff’s person.

127. Upon information and belief, Defendant, NORBERT F. ORSOLITS, purposefully intended to cause Plaintiff, JMH 301 DOE, harm and/or made contact that would offend a reasonable sense of personal dignity.

128. As a result of the foregoing, Plaintiff, JMH 301 DOE, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

**AS AND FOR A FIFTH CAUSE OF ACTION**

129. Plaintiff repeats and realleges those allegations set forth in Paragraphs “1” through “128” of the Complaint with the same force and effect as fully set forth herein at length.

130. Upon information and belief, Defendant, NORBERT F. ORSOLITS, did know Plaintiff was an infant, under the age of eighteen (18), at the time Defendant had sexual contact with Plaintiff.

131. Upon information and belief, Defendant, NORBERT F. ORSOLITS, did willfully, knowingly and/or intentionally engage in sexual conduct with then-infant Plaintiff, JMH 301 DOE.

132. Upon information and belief, Defendant, NORBERT F. ORSOLITS, did willfully, knowingly and/or intentionally create a hostile and unsafe environment that no child would be able to tolerate.

133. Plaintiff did not, in fact, tolerate conduct made by Defendant, NORBERT F. ORSOLITS.

134. Upon information and belief, Defendant, NORBERT F. ORSOLITS, in order to avoid embarrassment, scandal, negative publicity, civil liability, criminal liability and/or repercussions for his actions, did intend to cause Plaintiff shame, humiliation, and extreme emotional distress so that he would stay silent and not report the sexual abuse.

135. Upon information and belief, Defendant, NORBERT F. ORSOLITS, behaved in a manner toward Plaintiff that was so shocking, outrageous and extreme as to exceed all reasonable bounds of decency.

136. Upon information and belief, Defendant, NORBERT F. ORSOLITS, knew with substantial certainty, or should have known, that his behavior would cause Plaintiff to be a victim of sexual abuse, sexual harassment and/or violence.

137. Upon information and belief, Defendant, NORBERT F. ORSOLITS, willfully, knowingly, intentionally and/or recklessly desired and caused Plaintiff severe emotional distress.

138. Upon information and belief, Defendant, NORBERT F. ORSOLITS, acted with utter disregard of the consequences his actions would have on Plaintiff.

139. The aforementioned acts of Defendant, NORBERT F. ORSOLITS, caused Plaintiff physical, mental and severe emotional distress.

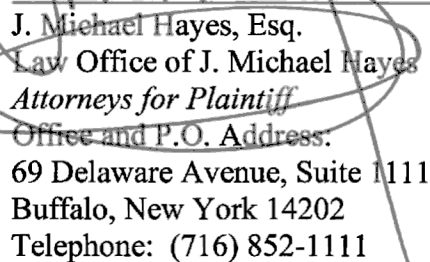
140. Plaintiff has suffered severe emotional distress of such intensity and duration as a result of the actions of Defendant, NORBERT F. ORSOLITS, that no reasonable person should be expected to endure it.

141. As a result of the foregoing, Plaintiff, JMH 301 DOE, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

WHEREFORE Plaintiff demands a jury trial and judgment in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other compensatory, punitive and exemplary damages, costs, disbursements and for such other relief as is just, proper and equitable.

DATED:        BUFFALO, NEW YORK  
                 October 25, 2019

Yours Respectfully,



J. Michael Hayes, Esq.  
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